

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**THE UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**No. CR 05-1849 JH**

**DANA JARVIS, et al.,**

**Defendants.**

**DEFENDANTS' REQUEST FOR A HEARING ON PENDING MATTERS**

Defendants David Reid and Greg Hill, by and through their respective counsel of record, hereby ask that this Court set a hearing on matters that should be resolved before the Franks hearing now scheduled for May 3-5, 2010. Those matters concern the requested disclosure of information relevant to the determination of "necessity" at the Franks hearing, and also information relevant to the question of whether the Government obtained information beyond that permitted by law, such as cell-phone site data, GPS data, and post-cut-through dialed digits. Counsel undersigned will be filing a pleading shortly setting forth more particulars of the information sought to be disclosed prior to the Franks hearing.

Counsel undersigned has communicated with counsel for the remaining parties in this matter, Mr. James Braun of the United States Attorney's Office and Mr. Paul Linnenburger of the Law Office of Billy R. Blackburn about this request. Mr. Linnenburger indicated that Mr. Blackburn has a trial set for late March, and

another hearing set for the morning of April 8, but would be able to attend a hearing in this matter on the 7th or 9th of April, or the afternoon of the 8th. They have a trial set for the following week of April 12-16, but it has not been confirmed whether it will go forward as presently set. That office joins in this request for a hearing. Mr. Braun stated that he would be available April 7-9, as well as during the week of April 12-16.

Accordingly, the defense requests that this Court set the matter for a one-hour hearing on April 7, the afternoon of April 8, or on April 9, 2010, or in the alternative, during the week of April 12-16, 2010.

Electronically filed,

/s/  
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/s/  
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/s/  
\_\_\_\_\_  
Billy R. Blackburn for Defendant Hill  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of March, 2010, I filed the foregoing electronically through the CM/ECF system, which caused all counsel to be served by electronic means, as more fully reflected on the Notice of Electronic filing.

Electronically filed

Walter Nash